

Assembly Bill No. 2216

CHAPTER 384

An act to add Chapter 5.5 (commencing with Section 16540) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to foster care.

[Approved by Governor September 22, 2006. Filed with
Secretary of State September 22, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2216, Bass. Child Welfare Leadership and Performance Accountability Act of 2006.

Existing law provides for oversight by various state and local entities of certain populations of children, including those who are wards of the juvenile court, and those who are in foster care, or are otherwise under the supervision of county welfare departments. Existing law provides for a system of child welfare services administered by each county, with oversight by the State Department of Social Services.

Existing law also provides for the California Child and Family Service Review System, established by the Child Welfare System Improvement and Accountability Act of 2001, in order to review all county child welfare systems, covering child protective services, foster care, adoption, family preservation, family support, and independent living. Under the act, the California Health and Human Services Agency established a workgroup, comprised of representatives of specified entities and organizations, to establish a work plan by which to conduct these reviews.

This bill, the Child Welfare Leadership and Performance Accountability Act of 2006, would establish within the California Health and Human Services Agency the California Child Welfare Council, an advisory body that would be responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems. The bill would provide for the composition of the council, including as cochairs the Chief Justice of the California Supreme Court or his or her designee, and the Secretary of California Health and Human Services. The bill would require the secretary to ensure that current federal and state level outcome measures, among other information, are posted on the State Department of Social Services' Internet Web site.

The bill would state the Legislature's intent to inspect other state child welfare and foster care systems over the course of the 2007–08 Legislative Session, for the purpose of examining effective administrative structures of leadership, and to conduct hearings and review recommendations of other commissions and bodies to determine if a reconfigured administrative structure would provide the statewide leadership and

coordination between departments and agencies essential to improving outcomes for current and former foster children and youth throughout the state.

This bill would require the Judicial Council to adopt outcome measures consistent with the outcome indicators specified above, by April 1, 2008.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The State of California undertakes the responsibility of providing a safe environment and developmental opportunities for over 85,000 children and youth who have been removed from their homes and placed in foster care because of instances of abuse and neglect.

(b) According to the California Performance Review report, although the state is responsible for ensuring that foster children and youth receive mandated services through several different departments, California's services to support its foster children's basic needs is not nearly sufficient to meet all of their needs. Even though the incidence of emotional, behavioral, and developmental problems among foster children and youth is three to six times greater than among nonfoster children, 25 percent of foster children and youth are not receiving timely medical care, one-half are not receiving needed mental health services and one-half are not receiving dental care. Similarly, 75 percent of foster youth are working below grade level, nearly one-half do not complete high school, and as few as 15 percent attend college. Statewide leadership and coordination between departments and agencies is essential to addressing these dismal outcomes and providing foster children and youth with critically needed support and services at the local level.

(c) Even if the state successfully decreases the number of foster children and youth entering the system, the state must ensure that current foster youth are self-sufficient at the time they emancipate from the system. The state is currently failing in this measure. Unemployment rates for emancipated youth are estimated at 50 percent, nearly one-third of foster children and youth will become homeless within one year of emancipating, fewer than 15 percent of foster youth enroll in college, and approximately one-third of foster youth will be on public assistance shortly after emancipating.

(d) A recent report from the State Department of Social Services found the indirect costs of child mistreatment and foster care, such as juvenile delinquency, adult criminality, and lost productivity to society, total \$95 billion annually. Fiscally sound, long-term investment in the state's children now should reap future savings for the state that can be reinvested to keep at-risk children and families self-sufficient and out of the child welfare system. Moreover, advocating for more flexible federal funding of our state's child welfare system will enable resources to be used to better support families in need and keep more families intact.

(e) In 2001, the Legislature passed the Child Welfare System Improvement and Accountability Act of 2001 (Chapter 678 of the Statutes of 2001), which was an important first step toward improving outcomes for California's foster children and youth. The legislation provided the legal framework for monitoring the county-run child welfare service programs through data collection and review of that data, the ultimate goal being to use the data to improve outcomes for the children and youth in foster care. The first county reviews and improvement plans were implemented in 2004.

(f) In addition to providing services to foster youth, the state's Child Welfare Redesign final report stressed the importance of providing preventative supports to those families who come in contact with child welfare services but whose children are not removed from the home. The goal of these supports is to provide families the tools to prevent a child's removal. This effort results in stronger families and decreased foster care placements. However, successful implementation of preventative services, like foster care, requires a coordinated oversight among many agencies, programs, and services.

(g) Despite this improved oversight and vision for improvement, the child welfare system, including the state, the counties, and the courts, suffers from the lack of a cohesive structure, state leadership, and communication between agencies serving foster children and youth. In 2003, the Little Hoover Commission found that clear leadership and oversight is lacking in California's foster care program and recommended the designation of a new program leader that has the authority to reform the foster care system. Most recently, the California Performance Review report decried this lack of cohesion and similarly concluded that state leadership is needed to repair a foster care system in crisis. The bipartisan national Pew Commission on Foster Care in a report issued last year recommended states establish broad-based commissions on children in foster care to demonstrate effective collaboration on behalf of children.

(h) Creating a comprehensive structure for statewide leadership to address the needs of children in the child welfare system will support and improve the important reform work enacted through the Child Welfare System Improvement and Accountability Act of 2001 by providing clarity about the roles and responsibilities of the state, improving quality assurance and accountability, and facilitating communication between the many stakeholders involved in the child welfare system. Most importantly, these changes will help ensure that California is able to meet the needs of the children and youth in its care.

(i) An independent and impartial ombudsperson that is readily available to the public is essential to protecting the well-being of children, youth, and families.

SEC. 2. This act shall be known and may be cited as the Child Welfare Leadership and Performance Accountability Act of 2006.

SEC. 3. Chapter 5.5 (commencing with Section 16540) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 5.5. CHILD WELFARE LEADERSHIP AND PERFORMANCE
ACCOUNTABILITY

16540. The California Child Welfare Council is hereby established, which shall serve as an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve the children and youth in the child welfare and foster care systems. The council shall monitor and report the extent to which child welfare and foster care programs and the courts are responsive to the needs of children in their joint care. The council shall issue advisory reports whenever it deems appropriate, but in any event, no less frequently than annually, to the Governor, the Legislature, the Judicial Council and the public. A report of the Child Welfare Council shall, at a minimum, include recommendations for all of the following:

(a) Ensuring that all state child welfare, foster care and judicial funding and services for children, youth, and families is, to the greatest extent possible, coordinated to eliminate fragmentation and duplication of services provided to children or families who would benefit from integrated multiagency services.

(b) Increasing the quality, appropriateness, and effectiveness of program services and judicial processes delivered to children, youth, and families who would benefit from integrated multiagency services to achieve better outcomes for these children, youth, and families.

(c) Promoting consistent program and judicial excellence across counties to the greatest extent possible while recognizing the demographic, geographic, and financial differences among the counties.

(d) Increasing collaboration and coordination between county agencies, state agencies, federal agencies, and the courts.

(e) Ensuring that all state Title IV-E plans, program improvement plans, and court improvement plans demonstrate effective collaboration between public agencies and the courts.

(f) Assisting the Secretary of California Health and Human Services and the chief justice in formulating policies for the effective administration of the child welfare and foster care programs and judicial processes.

(g) Modifying program practices and court processes, rate structures, and other system changes needed to promote and support relative caregivers, family foster parents, therapeutic placements, and other placements for children who cannot remain in the family home.

(h) Developing data and information sharing agreements and protocols for the exchange of aggregate data across program and court systems that are providing services to children and families in the child welfare system. These data-sharing agreements shall allow child welfare agencies and the courts to access data concerning the health, mental health, special education, and educational status and progress of children served by county child welfare systems subject to state and federal confidentiality laws and regulations. They shall be developed in tandem with the establishment of judicial case management systems as well as additional or

enhanced performance measures described in subdivision (b) of Section 16544.

(i) Developing systematic methods for obtaining policy recommendations from foster youth about the effectiveness and quality of program services and judicial processes, and ensuring that the interests of foster youth are adequately addressed in all policy development.

(j) Implementing legislative enactments in the child welfare and foster care programs and the courts, and reporting to the Legislature on the timeliness and consistency of the implementation.

(k) Monitoring the adequacy of resources necessary for the implementation of existing programs and court processes, and the prioritization of program and judicial responsibilities.

(l) Strengthening and increasing the independence and authority of the foster care ombudsperson.

(m) Coordinating available services for former foster youth and improving outreach efforts to those youth and their families.

16541. The council shall be comprised of the following members:

(a) The Secretary of California Health and Human Services, who shall serve as cochair.

(b) The Chief Justice of the California Supreme Court, or his or her designee, who shall serve as cochair.

(c) The Superintendent of Public Instruction, or his or her designee.

(d) The Chancellor of the California Community Colleges, or his or her designee.

(e) The executive director of the State Board of Education.

(f) The Director of Social Services.

(g) The Director of Health Services.

(h) The Director of Mental Health.

(i) The Director of Alcohol and Drug Programs.

(j) The Director of Developmental Services.

(k) The Director of the Youth Authority.

(l) The Administrative Director of the Courts.

(m) The State Foster Care Ombudsperson.

(n) Four foster youth or former foster youth.

(o) The chairpersons of the Assembly Human Services Committee and the Assembly Judiciary Committee, or two other Members of the Assembly as appointed by the Speaker of the Assembly.

(p) The chairpersons of the Senate Human Services Committee and the Senate Judiciary Committee, or two other members appointed by the President pro Tempore of the Senate.

(q) Leaders and representatives of county child welfare, foster care, health, education, probation, and mental health agencies and departments, child advocacy organizations; labor organizations, recognized professional associations that represent child welfare and foster care social workers, tribal representatives, and other groups and stakeholders that provide benefits, services, and advocacy to families and children in the child

welfare and foster care systems, as recommended by representatives of these groups and as designated by the cochaIRS.

16541.5. The council shall meet no less frequently than each quarter of the state fiscal year and at the call of the cochaIRS at a time and location convenient to the public as it may deem appropriate. All meetings of the council shall be open to the public. Members shall serve without compensation, with the exception of foster youth members who shall be entitled to reimbursement for all actual and necessary expenses incurred in the performance of their duties.

16542. The cochaIRS may appoint committees composed of council members, experts in specialized fields, foster youth, program stakeholders, state and county child welfare and foster care staff, child advocacy organizations, members of the judiciary, foster care public health nurses, or any combination thereof, to advise the council on any functions of the council and the services provided through the child welfare and foster care programs and the courts. Members of these committees shall receive no compensation from the state for their services with the exception of foster youth members, who shall be entitled to reimbursement for all actual and necessary expenses incurred in the performance of their duties. The committees may assemble information and make recommendations to the council, but shall not exercise any of the powers vested in the council. The council may seek input from groups and individuals as it deems appropriate including, but not limited to, advisory committees, the judiciary and child welfare and foster care program stakeholders.

16543. Consistent with state and federal law, the council shall have access to aggregate data and information concerning the child welfare and foster care systems held by any state or local department, agency, or court that serves children, youth, and families receiving child welfare and foster care services subject to state and federal confidentiality laws and regulations.

16543.5. It is the intent of the Legislature to inspect other state child welfare and foster care systems over the course of the 2007–08 Legislative Session, for the purpose of examining effective administrative structures of leadership. It is further the intent of the Legislature to conduct legislative hearings through the Assembly Select Committee on Foster Care, and other standing committees, and to review reports and recommendations of other commissions and bodies, including the California Blue Ribbon Commission on Foster Care and the Little Hoover Commission, to determine if a reconfigured administrative structure would provide statewide leadership and coordination between departments and agencies, which are essential to improving outcomes for current and former foster children and youth throughout the state.

16544. The secretary shall ensure that all of the federal Child and Family Services Review outcome measures and all of the California Child and Family Service Review System outcome indicators, along with any performance goals and federal outcome standards, are clearly posted on the State Department of Social Service’s Internet Web site. Before any of

the federal goals or any of the California Child and Family Service Review System outcome indicators are added, deleted, or amended, the secretary shall consult with the Child Welfare Council and ensure that there has been a public process for the submission of comments and recommendations.

16545. By April 1, 2008, the Judicial Council shall adopt, through rules of court, performance measures designed to complement and promote those measures specified in subdivision (a) of Section 16544 so that courts are able to measure their performance and track their own progress in improving safety, permanency, timeliness, and well-being of children and to inform decisions about the allocation of court resources. In adopting performance measures, the Judicial Council shall consult with the council, and the secretary. The performance measures shall be based on data that is available from current or planned data collection processes and to the greatest extent possible, shall ensure uniformity of data reporting.